

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GERALD J. HILL,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 11-CV-0317-MJR-SCW
)	
UNITED STATES OF AMERICA,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

REAGAN, District Judge:

On April 18, 2011, Gerald Hill filed suit seeking compensation for personal injuries he sustained while he was housed in the Federal Correctional Institution at Greenville, Illinois.¹ Hill alleged that he was attacked by a fellow inmate and beaten with a metal device. As a result, he lost his right eye, suffered multiple fractures to his face and has permanent damage. He asserts that the assault and his injuries were caused by the negligence and lack of supervision by prison staff, and their failure to follow Bureau of Prisons' policies.

On June 29, 2012, Magistrate Judge Stephen C. Williams submitted a Report and Recommendation ("the Report") pursuant to **28 U.S.C. § 636(b)(1)(B)**, regarding the United States' motion to dismiss for lack of prosecution (Docs. 18, 20). The Report finds that Hill failed to inform

¹ Although Hill filed suit under 42 U.S.C. § 1983, the Court determined, based on the allegations in the complaint and the exhibits attached thereto, that he intended to bring an action pursuant to the Federal Tort Claims Act, 28 U.S.C. § 1346, 2671-2680.

the Court of his change of address despite the undersigned Judge's order that failure to comply with this requirement could result in dismissal of his action for want of prosecution. The Report notes that Hill's mail was returned as undeliverable on June 6 and 13, 2012.² Moreover, Hill failed to appear for a show cause hearing set by Judge Williams to allow Hill to show cause why his case should not be dismissed for failure to prosecute.

The Report was sent to the parties with a notice informing them of their right to appeal by way of filing "objections" within 14 days of service of the Report. To date, neither party has filed objections. The period in which to file objections has expired. Therefore, pursuant to **28 U.S.C. § 636(b)**, this Court need not conduct *de novo* review. ***Thomas v. Arn*, 474 U.S. 140, 149-52 (1985)**.

Accordingly, the Court **ADOPTS** the Report and Recommendation (Doc. 20) in its entirety, **GRANTS** the United States' motion to dismiss for lack of prosecution (Doc. 18) and **DISMISSES** this action without prejudice.

IT IS SO ORDERED.

DATED this 26th day of July, 2012

² The record shows that on July 16 and July 19, 2012, subsequent to the filing of the Report, Hill's mail was returned as undeliverable.

s/Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge